

**Town of Needham
Board of Selectmen
Minutes for October 12, 2010
Needham Public Services Administration Building**

6:45 p.m. Informal Meeting with Citizens:
Mr. John Fountain, Mr. Jim Hunter, and Mr. Dick Carey spoke with the Selectmen on behalf of the “Share Greene’s Field” group. They discussed the proximity of Greene’s Field and the MBTA lot to the downtown area, concluding that Greene’s Field, because it is centrally located and pedestrian friendly, it is the preferred spot for the location of a senior center. They opined that a great number of seniors are of the same belief. The Board was urged to vote in favor of Greene’s Field.

Mr. Bill Bradley, Ms. Sandra Lynch and Ms. Kalpana Shah also voiced their opinions that, for various reasons, Greene’s Field would be the best choice.

Mr. Larry Cohen, of the Senior Center Exploratory Committee (SCEC), reminded the audience of the lengthy two year selection process with six public hearings and visits to thirty-five different senior centers. He stated that the SCEC voted, after intense scrutiny, to recommend the Heights MBTA lot to the Board of Selectmen.

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman John A. Bulian. Those present were Daniel P. Matthew, Denise C. Garlick, Gerald A. Wasserman, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Mr. Bulian reminded the audience the meeting is being taped in accordance with the new open meeting law.

7:05 p.m. Senior Center Discussion:
Mr. Bulian invited Suzanne Hughes, Chair of the Council on Aging, to join the Selectmen at the table. He stated the COA just held a special meeting and asked Ms. Hughes, for the record, to give a report of that meeting. Ms. Hughes stated the purpose of the meeting was to discuss the recommendations of the SCEC. She told the Selectmen all of the votes were unanimous. Ms. Hughes stated the COA voted to support the SCEC location recommendations for a senior center. She also said the COA strongly supports a size and design of a building of 20,000 gross square feet to meet programmatic needs and goals. She stated the COA took no vote on projected costs because of insufficient information available on actual costs of a building. The Board thanked Ms. Hughes for her report.

Mr. Bulian reiterated the long two year process and the time spent by the committee to get to this point. He stated all the people in the room, and viewers at home are hopeful the Town will build a senior center. He stated not everyone will be satisfied, whatever decision the Board of Selectmen makes as to where a senior center is built. He stated there are many people in favor of Greene's Field and there are many people opposed. He also commented there are many people in favor of many of the other sites considered by the SCEC. The goal of the Board and the Town is to build a senior center.

Ms. Garlick stated she appreciates everyone who has been part of the process, whatever their opinion. She said now the Town can move forward and discuss the financing of the project. She reiterated on behalf of the SCEC that the "eyes on the prize" was to build a new senior center. She commented her greatest fear was that, with all of the passion, the senior center would die due to location, size, or financing. She stated she was not willing to do that, and believes the senior center serves a vital function for all of the people of Needham. She commented a senior center houses the COA, provides important services, and brings people together in an environment where they can age well together. She commented the SCEC continually tried to find a way to get through to the place where the Town was going to have a new senior center. She said the Town is trying to build a senior center in one of the worst economic times Needham has ever seen, and it will take everyone pulling in the same direction to make it happen.

Motion by Mr. Matthews that the Board accept the report of the Senior Center Exploratory Committee and discharge the Committee with the Board's thanks.

Second: Mr. Handel. Unanimously approved 5-0.

Mr. Matthews acknowledged the outstanding and difficult job by the SCEC but stated the Board needs to make a decision whether or not to discharge the Committee at this time or to give them a further charge. He hopes the SCEC members stay active throughout the process until the doors are open, and realizes there are some members of the SCEC that want Board of Selectmen to take a stronger role in the process going forward.

Mr. Wasserman agreed with the motion to congratulate the SCEC and move forward in the process. He stated the COA must now be the committee that takes charge because they will deal with the functional issues. He stated the COA should now be the representatives who work with the PPBC, not the SCEC. He thanked the SCEC for their efforts.

Mr. Handel thanked the SCEC for their efforts and stated it is now time to move forward with everyone supporting the selected site.

Mr. Bulian thanked and discharged the SCEC.

Motion by Mr. Matthews that the Board designate the present Needham Heights MBTA parking lot as the Board's selected site for construction of a new Senior Center, and instruct the Town Manager to move forward with the necessary planning and recommendations to accomplish property acquisition, design, and construction at that site.

Second: Mr. Handel. Unanimously approved: 5-0.

Mr. Wasserman stated the senior center site has been one of the more hotly debated issues. He commented he does not believe that the most debated site could ever get sufficient support. He believes that everyone who debated did so, based on what they believe in their hearts. He feels no one is trying to dodge the issue or create false impressions. He reaffirmed his support of the motion because he believes it is the best chance the Town has to move forward and build a senior center.

Mr. Matthews stated he was one member of the Board who would have supported the "share the field option" because he feels it could have been made to work. He stated however, he also believes the MBTA site will work as well. As a Selectman, he stated it is not his role to "rubber stamp" the recommendations of a committee that get made, but a group was recruited from many different corners of the community to try to vet the issue, knowing location was going to be the single toughest issue in the process. He stated the SCEC worked hard and made every possible effort, and recommended the MBTA site. He commented he is disappointed that some of the comments have become personalized. Mr. Matthews agreed with Mr. Wasserman in that there are lots of issues around town in which people don't agree, but those disagreements are almost always "good faith" disagreements as people have different views.

Mr. Handel agreed with Mr. Matthews and added the MBTA site will meet the program needs of the COA and will be a great improvement to the neighborhood. He stated it is a "win-win" for the community.

Ms. Garlick stated she supports the motion for several reasons, the first being because it is the majority vote of the SCEC, secondly because while it may not be the desired site some people had hoped, it is a downtown site near many amenities and is accessible and convenient for family and friends. She stated all voices have been heard, and the SCEC has stayed true to the principles of what seniors were asking for. She reminded the audience that for 11 years the Town tried to build a senior center and in times of contention, the process failed and no senior center was built. She commented that now, after a very difficult two year process, the Board of Selectmen is very clear about making this happen.

Mr. Bulian agreed with all of the comments expressed around the table. He stated many details still need to be worked out and that he supports the Heights parking lot site.

Mr. Bulian called for a 5 minute recess.

7:30 p.m.

Approve Sale of Bonds:

Mr. Dave Davison ATM/Finance Director and Ms. Evelyn Pones, Treasurer appeared before the Board to review the results of the bond sale and discuss the Town's bond rating.

Motion A

Motion by Mr. Wasserman that the sale of the \$4,635,000 General Obligation Municipal Purpose Loan of 2010 Bonds of the Town dated October 15, 2010 (the "Bonds"), to First Southwest Company at the price of \$4,731,587.55 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on April 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2011	\$2,155,000	1.00%
2012	565,000	2.00
2013	530,000	3.00
2014	435,000	2.00
2015	335,000	2.00
2016	315,000	2.25
2017	300,000	2.50

Second: Mr. Handel. Unanimously approved 5-0.

Motion B

Motion by Mr. Wasserman that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 30, 2010, and a final Official Statement dated October 6, 2010 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Motion C

Motion by Mr. Wasserman that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Second: Mr. Handel. Unanimously approved 5-0.

Motion D

Motion by Mr. Wasserman that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Second: Mr. Handel. Unanimously approved 5-0.

7:40 p.m.

Consent Agenda:

Motion by Mr. Wasserman that the Board of Selectmen vote to approve the Consent Agenda as presented.

CONSENT AGENDA

- 1. Sign the Warrant for the State Election to be held on Tuesday, November 2, 2010.**
- 2. Approve request from the Needham Business Association to hold Annual Blue Tree Ceremony on Saturday, November 27, 2010 at 4:30 p.m. in Avery Square and Blue Tree festivities at the Town Common at 5:00 p.m.**
- 3. Approve request from the Needham Business Association to have “meter-free” parking in Needham Center and Needham Heights on Saturdays between Thanksgiving and Christmas.**
- 4. Accept a donation of \$500.00 awarded to Needham Youth Services from the Needham Women’s Club to be used to sponsor the Youth Commission’s “A Conversation Program.”**
- 5. Approve request for one day special Wine & Malt beverage license 6:30pm to 9:30pm from Kimberly Christie for Saint Joseph Elementary School to hold a Wine & Cheese Pairing Social on Friday, October 15, 2010 from 7:00pm to 10:00pm at Saint Joseph Elementary School-MHMS Dining Room, 90 Pickering Street, Needham.**
- 6. Approve minutes from September 21, 2010 and September 28, 2010 meetings.**
- 7. Approve request for one day special All Alcoholic beverage license 6:00pm to 12:00am from Scott Milliken of The Village Club Building Association to hold an NFD Halloween Party on Saturday, October 30, 2010 from 7:30pm to 12:00am at The Village Club, 83 Morton Street, Needham.**
- 8. Approve request for one day special All Alcoholic beverage license 7:00pm to 11:30pm from Phil Robey for the Needham 300 Tercentennial Committee to hold the Highlandville Tavern on Saturday, November 6, 2010 from 8:30pm to 11:30pm at The Village Club, 83 Morton Street, Needham.**

- 9. Water & Sewer Abatement Order #1112
- 10. Grant permission for the following residents to have block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
James Rochford	74 Rolling Lane	Rolling Lane	Oct 2		1-5pm
Chrissy McCourt	181 Richdale Rd	Richdale Rd	Oct 30		3-7pm
Heidi Wiesel	46 Ware Road	Ware Rd	Nov 6	Nov 7	3-8pm

Second: Mr. Handel. Unanimously approved 5-0.

7:45 p.m. Solid Waste & Recycling Advisory Committee Update:
 Mr. Richard P. Merson, DPW Director, Mr. Mario Arraya, RTS Superintendent, and Mr. Bob Lewis, DPW Assistant Superintendent, and members of the Solid Waste Committee appeared before the Board to discuss the results of a meeting and activities over the past 6 months regarding issues at the RTS.

Mr. Merson reviewed the charge for the Committee and outlined recommendations for site improvements, improved specialty recycling area function/operation, and fee structure and methodology modifications.

Mr. Wasserman inquired about the proposed change in the access pattern to the facility to behind the building currently used for the Re-Use-It Area and Paint Collection. Mr. Bulian suggested Mr. Merson prepare a PowerPoint presentation be shown at a future Selectman meeting, detailing for the public the contemplated reconfiguration of the traffic pattern at the site.

Mr. Bulian suggested discussing the “Improved Specialty Recycling Area Function and Operation.” Mr. Merson spoke about the difference between a drop off collection rather than curbside collection, in that the Town can offer many more unique and specialty items for the public to participate and reduce the waste stream. The bottle return is one of the more popular collection sites, along with the Re-Use-It Area. One idea suggested back in 1995/1997, said Mr. Merson, is to combine the specialty/recycling into one area allowing for more items and more floor space.

Mr. Merson reviewed the current fee structure including stickers, yellow bags, and specialty items requiring special handling and expense to the RTS. Mr. Merson said sticker sales and the rate of participation have dropped over the past few years for a variety of reasons. Mr. Merson stated the SWRAC has considered

options for making access to the site easier and user friendly for the public, including the possibility of a sticker-less system.

Ms. Fitzpatrick addressed Mr. Bulian stating that after the SWRAC made its initial report it intended to ask the Board if it had interest in discussing the idea of a sticker-less system and suggested a proposed rate structure analysis could be detailed at a future meeting. Mr. Bulian commented there are two areas of conflict for the RTS: use of the stickers per household, and the equity issue concerning the use of the yellow bags. He stated the concept of the sticker-less system is very intriguing.

Mr. Wasserman said he is concerned that fees charged to every household could be considered a tax that cannot be deducted on tax returns. He suggests considering a tax deductible approach as well.

Mr. Handel said he is concerned about the equity issues and protecting the interests of the senior citizens with respect to the cost. He feels simplicity is best especially by eliminating the stickers and the handling/enforcement that goes along with it.

Mr. Bulian asked for feedback from the public regarding the idea of utilizing a sticker-less system at the RTS.

Ms. Fitzpatrick stated recommendations for a sticker-less fee will be presented to the Board at its next meeting. She also mentioned that should the Board want to entertain this for the coming sticker season, it needs to act quickly and suggested scheduling a public hearing for November 9, 2010.

8:15 p.m. Town Manager:

Ms. Fitzpatrick appeared before the Board to discuss two items:

1. Position on Warrant Articles:

The Board took positions on the November 8, 2010 Special Town Meeting Warrant Articles.

Motion by Mr. Matthews that the Board vote to recommend Article 1 – Home Rule Petition – Taking for Bridge Repair in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Wasserman. Unanimously approved 5-0.

Motion by Mr. Wasserman that the Board vote to recommend Article 2 – Transfer of Property – MBTA Commuter Lots in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Matthews. Unanimously approved 5-0.

Motion by Mr. Matthews that the Board vote to recommend Article 3 – Change of Property for Municipal Use in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Wasserman. Unanimously approved 5-0.

Motion by Mr. Wasserman that the Board vote to recommend Article 4 – Conveyance of Property for Municipal Use in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Wasserman that the Board vote to recommend Article 5 – Home Rule Petition – Disposal of Conservation Land/Acquisition of Easement in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Matthews that the Board vote to recommend Article 6 – Authorize Elder Services Zoning Agreement in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to recommend Article 7 – Amend General By-Law/Regulation of Dogs in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Wasserman. Unanimously approved 5-0.

Motion by Mr. Wasserman that the Board vote to recommend Article 8 – Accept M.G.L. C. 131 of the Acts of 2010 Surviving Spouses of Disabled Employees in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to recommend Article 9 – Appropriate for Facility Improvements and Repairs/Pollard School in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Wasserman. Unanimously approved 5-0.

Motion by Mr. Wasserman that the Board vote to recommend Article 10 – Appropriate for Pollard School Roof Replacement in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Article 11 – Defer Action

Motion by Mr. Wasserman that the Board vote to recommend Article 12 – Appropriate for Needham Property Tax Assistance Program in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Article 13 – Defer Action

Motion by Mr. Wasserman that the Board vote to recommend Article 14 – Amend the FY2011 Sewer Enterprise Fund Budget in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to recommend Article 15 – Amend Community Preservation Fund Reserves in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Wasserman. Unanimously approved 5-0.

Motion by Mr. Wasserman that the Board vote to recommend Article 16 – Rescind Bond Authorization in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Wasserman that the Board vote to recommend Article 17 – Appropriate to Capital Improvement Fund in the Special Town Meeting Warrant ought to be adopted.

Second: Mr. Handel. Unanimously approved 5-0.

Article 18 – Defer Action

Ms. Fitzpatrick commented on the early discussion concerning the financing of the new senior center and stated she and her staff will be working with the Finance Committee on the plan. Ms. Fitzpatrick also spoke with the Board about the scope of the cost for a senior center at Needham Heights and possible financing options. She told the Board that there are three possible ways to finance the project: debt exclusion override of about \$6.9 million, partial debt exclusion override at some amount less than \$6.9 million, or no debt exclusion override.

2. Town Manager Report:

Ms. Fitzpatrick recognized Ms. Evelyn Pones, Treasurer who was recently re-certified as a municipal treasurer. The Board congratulated Ms. Pones.

Ms. Fitzpatrick recognized Ms. Nancy Martin of the Assessing Office who was named Outstanding Assessing Office Clerk, of which there are very few in the Commonwealth.

Ms. Fitzpatrick told the Board an employee of Harvard Pilgrim Healthcare nominated Needham’s “Meals on Wheels” program for its “Spirit Award”. The Meals on Wheels program received a \$500 grant.

8:45 p.m. Board Discussion:
Positions on Ballot Questions:

Ballot Question #2:

Mr. Wasserman suggested discussing Ballot Question #2 first. Mr. Bulian concurred and asked Mr. Peter Pingatore, Vice Chair of the Board of Commissioners from the Needham Housing Authority, to approach the table. Mr. Pingatore stated he was appearing on behalf of the Board of Commissioners. Mr. Pingatore asked the Board to join the Commissioners of the Housing Authority to support a “No” vote on Ballot Question #2. He summarized Ballot Question #2 for the Board. He asked the Board to pass a resolution similar to one passed by the Housing Authority, and to perhaps write a letter to the Editor of the Needham Times or release some other public document in which the Selectmen come out firmly against Ballot Question #2. Mr. Pingatore asked if it would be inappropriate for him to propose a motion for the Selectmen to pass in the form of a resolution. Mr. Bulian agreed to hear the motion, with further discussion and questions to follow. Mr. Pingatore read the proposed motion: “Move that the Board of Selectmen of the Town of Needham supports the effort to defeat Ballot Initiative #2, the repeal of Chapter 40B the Comprehensive Permit Law on the November 2, 2010 State Election Ballot.”

Mr. Handel stated he is generally in support of the goals of 40B and generally not in favor of repealing legislation absent another alternative. He stated he has some real concern about how the 40B Law works with respect to Needham, as he said he has seen some projects come to Town that were not appropriate for the neighborhoods they were placed in.

Mr. Bulian stated he understands the are complexities with respect to the Board taking votes of support in defeating a ballot initiative without being insensitive to both unfriendly and friendly 40B’s. He commented there are many friendly 40B projects in which developers work with the Town, neighbors, and the Boards and Committees to make affordable housing work.

Mr. Pingatore suggested the formation of a committee to address issues of some 40B projects that are potentially a net detriment to the community.

Mr. Wasserman suggests inserting the words “that while there are changes to the law that need to be examined” into the proposed motion suggested by Mr. Pingatore.

Motion by Mr. Matthews that the Board move to recommend a “No” vote on Ballot Question #2.

Second: Mr. Handel. Unanimously approved 5-0.

Ballot Question #1:

Motion by Mr. Matthews that the Board move to recommend a “No” vote on Ballot Question #1.

Mr. Matthews stated the fundamental underlying point of the issue is that the State is facing a \$2 billion revenue shortfall. He commented if there were a proposal to substitute a better or more efficient tax he would be interested in considering it, however he said it would be very hard for the State to manage the current budget with the current tax structure. Mr. Matthews said that to reduce the tax without substituting some other revenue is not something he is willing to support at this time.

Mr. Wasserman suggests amending the motion to include “due to the financial impacts on the Town of Needham”.

Mr. Matthews commented that he is not dismissive of how things affect the Town, but he stated this is a matter of State-wide application and it is in the interest of the public and people of the Commonwealth not to approve tax cuts by referendum without having a plan as to how to implement them.

Mr. Wasserman feels the Board ought to give a reason why it is recommending a “No” vote.

Ms. Garlick commented the fundamental question is whether the sales tax will be applied to alcohol. The sales tax, she said, is applied to all goods except necessities (food, clothing, and prescription medicines). She stated she does not consider alcohol a necessity. The projected revenue from the sales tax she said is \$80 million to \$110 million, which is targeted for public health and addiction programs. She commented that if the State does not collect this revenue the programs will not be funded. She stated there is a \$2 billion structural deficit in the State budget, even before getting to the sales tax question. She stated she is very sensitive to the economic needs of the liquor stores around the New Hampshire border, yet there has been no drop in alcohol sales as documented by the Department of Revenue.

Second: Mr. Handel. Unanimously approved 5-0.

Ballot Question #3:

Mr. Wasserman suggests this is the most serious of the 3 questions, and mentioned the State’s \$2.5 billion deficit. He said if question 3 passes, Needham would see a loss of about \$1 million. He said the idea of cutting the sales and use tax rates severely is a disaster for the State.

Motion by Mr. Wasserman that the Board of Selectmen due to the financial hardships for the State and local communities by the passage of Question 3 recommend a “No” vote.

Motion by Mr. Matthews that the Board of Selectmen recommend a “No” vote by the public on Question #3.

Mr. Bulian reiterated two motions are on the table and asked if anyone would second. Neither motion was seconded.

Mr. Bulian asked the Board to recall the November 7, 2000 vote where the public overwhelmingly approved a roll-back of the income tax rate to 5%. The legislature, he said, never honored that request and the income tax rate currently stands at 5.3%. Mr. Bulian asked why any Board member would believe the legislature would roll back the sales tax to 3%? Mr. Bulian stated he personally would not be in favor of that, but would favor seeing it reduced from the 6.25% because it affects people and small businesses that compete with on-line businesses. Mr. Bulian suggested the most equitable form of taxation is one’s ability to pay, pointing to a graduated income tax, as opposed to an across the board income tax.

Mr. Wasserman stated this is a very different political era than in 2000, and agreed with Mr. Bulian that a graduated income tax would be a better solution. He stated Ballot Question #3 is going to be a major problem.

Motion by Mr. Wasserman that due to the negative financial impact if passed and implemented, the Board of Selectmen recommend a “No” vote on Question #3.

Second: Ms. Garlick. Unanimously approved 5-0.

9:55 p.m.

Executive Session:

Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session. Exception 3 - To discuss strategy with respect to collective bargaining or litigation, or to conduct strategy sessions in preparation for negotiations with non-union personnel; and Exception 6 – To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

Not to return to open session prior to adjournment.

Second: Mr. Wasserman. Unanimously approved 5-0 by role call vote.

The meeting was adjourned at 10:20 pm.